



UNITED STATES DISTRICT COURT  
For The NORTHERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA,

vs.

JEFER RODRIGUEZ ROSALES

NO. 3:19-cr-00371-L (3)

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PRO SE MOTION FOR MODIFICATION OF SENTENCE PURSUANT TO  
18 U.S.C. § 3582(c)(2)

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NOW COMES JEFER RODRIGUEZ ROSALES Pro Se Petitioner in the above numbered case, respectfully submitting this Motion for Modification of Sentence Pursuant to 18 U.S.C. § 3582(c)(2). Petitioner shows cause in support of such motion herein.

I.

The Petitioner respectfully asks this Honorable Court to consider this and all other pleadings and submissions he presents for consideration in this action under the standard established by the Supreme Court in Haines v. Kerner, 404 U.S. 579, 30 L. Ed. 2d 652, 92 S. Ct. 594 (1972), wherein the Justices stated in part that a "pro se litigant's pleadings are to be construed liberally, granted great latitude, and held to a less stringent standard than that of formal pleadings drafted by attorneys and it is in the interest of Justice to do so."

II.

Title 18, United States Code, Section 3582(c)(2) confers authority to this Court, upon motion of the defendant or the Director of the Bureau of Prisons, or on its own motion, to reduce a term of imprisonment, when that term of imprisonment has been based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. § 994(o). The court is directed to consider the factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable, if such reduction is consistent with applicable policy

statements issued by the Sentencing Commission.

III.

On November 01, 2023, a new amendment to the United States Sentencing Guidelines (U.S.S.G.), Amendment 821, went into effect. Amendment 821, Part B, adds a new guideline, § 4C1.1, that provides for a two-point decrease to the overall offense level for certain "Zero-Point Offenders" whose offense did not involve specific aggravating factors enumerated in § 4C1.1(a).

IV.

Petitioner plead guilty to one count of Possession with Intent to Distribute a Controlled Substance in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C), in the United States District Court for the NORTHERN DISTRICT OF TEXAS. He was sentenced on 12-18-2020 to a 120-month sentence based on zero (0) criminal history points, with a Category I guidelines range of 108-135 months.

V.

Petitioner now seeks a reduction to his imposed term of imprisonment. Amendment 821 was designated by the Sentencing Commission to be retroactively applicable, and as such, has been included in the list of retroactive amendments listed in U.S.S.G. § 1B1.10(c). Defendants previously sentenced can make motion upon the sentencing court for retroactive application of U.S.S.G. § 4C1.1, and upon consideration of the court, receive a two-point reduction to their overall offense level, with corresponding modification of sentence within the new U.S.S.G. guidelines range.

As Petitioner's offense did not involve any of the aggravating factors listed in U.S.S.G. § 4C1.1(a), he meets the criteria necessary to qualify him for a two-point reduction to his overall offense level. This reduction results in a new U.S.S.G. guidelines range of 87-108 months.

CONCLUSION.

At the original sentencing, this Court found good cause, after consideration of the sentencing factors found in 18 U.S.C. § 3553(a), to sentence the Petitioner to a sentence at the low end of his U.S.S.G. guidelines range. He now asks this Honorable Court to consider a commensurate modification of his sentence at the low end of the new guidelines range. Petitioner prays that the Court will modify his term of imprisonment to a new term of 87 months.

Respectfully submitted this \_\_\_\_ day of August, 2024 by:



JEFER RODRIGUEZ ROSALES  
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I attest under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.



JEFER RODRIGUEZ ROSALES



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United States District Court  
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